

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/26/2021

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JARED SEARLES, :
: _____
Plaintiff, :
: 21-CV-5395 (VEC)
-against- :
: ORDER
METROPOLITAN CORRECTIONAL CENTER :
AND FEDERAL BUREAU OF PRISONS, :
: _____
Defendants. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on June 18, 2021, Plaintiff filed a complaint asserting claims pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b), 2671 *et seq.*, *see* Dkt. 1;

WHEREAS on June 28, 2021, the Court ordered that, not later than July 6, 2021, Plaintiff amend his complaint to substitute the United States of America as a Defendant in this action, *see* Dkt. 2; *see also Saar v. U.S. Dep’t of Just.*, 705 F. Supp. 999, 1003–04 (S.D.N.Y. 1989) (citing *Myers & Myers Inc. v. U.S. Postal Serv.*, 527 F.2d 1252, 1256 (2d Cir. 1975)) (“Under the FTCA, sovereign immunity is only waived where the United States is named as a party.”);

WHEREAS Plaintiff failed to amend his complaint in compliance with the Court’s order by the July 6, 2021 deadline; and

WHEREAS on July 12, 2021, the Court ordered Plaintiff to show cause by July 23, 2021, why this case should not be dismissed with prejudice for failure to prosecute under Fed. R. Civ. P. 41(b), *see* Dkt. 3; and

WHEREAS as of the date of this Order, Plaintiff has not responded to the Court’s order to show cause;

IT IS HEREBY ORDERED that this case is dismissed with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

The Clerk of Court is respectfully directed to terminate all open motions and to close this case.

SO ORDERED.

Date: July 26, 2021
New York, NY


VALERIE CAPRONI
United States District Judge